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SEP 07 2006

Application No. 10/603,961
Docket No. 03-8 FJA

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REMARKS

Entry of this Amendment is believed proper since no new issues are being raised which would require the Examiner's further consideration and/or search.

Applicant's Statement of Substance of Interview of August 14, 2006 consists of Applicant's representative's inquiry with the Examiner of record regarding the Examiner's rejection of Applicant's first and second part integrally formed into a single component over the prior art which consisted only of a single part. No agreement with respect to the claims was reached since Applicant's representative stated he would formally respond with a forthcoming response to the Final Office Action.

Claims 1-7 are presently pending in this application. Claims 1 and 3 have been amended to more particularly define the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and not for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1 and 2 stand rejected under 35 U.S.C. §102(e) as being anticipated by Tanaka et al., U.S. Pat. No. 6,526,842.

Claims 3-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al., U.S. Pat. No. 6,526,842.

These rejections are respectfully traversed in view of the following discussion.

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I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a structure for mounting a shift operation device on a vehicle body, including a support member having a first part comprising a notch to be fixed on the vehicle body, and a second part having an opening aligned with the notch to support the shift operation device so as to be dropped downwardly with the shift operation device when a larger load than that of a predetermined value is applied to the first part, wherein the first and second parts are integrally formed into a single component separate from the shift operation device, the shift operation device being mounted on the vehicle body via the support member so that the larger load than that of the predetermined value can break and drop the shift operation device.

A conventional structure for mounting a shift operation device on a vehicle body is configured such that a plastic pin does not break away unless a vehicle crash forces a passenger to be moved forwardly and hit against a selector lever of a shift operation device. Thus, there is a problem that an impact of a passenger on an instrument panel does not break the plastic pin to drop the shift operation device. Since the shift operation device cannot break away, a problem is that an impact load of a secondary crash to be applied to the passenger cannot be absorbed or reduced. (See Application at page 2, lines 8-17.)

The claimed invention (e.g., as recited in claim 1), on the other hand, includes a support member having a first part comprising a notch to be fixed on the vehicle body, and a second part having an opening aligned with said notch to support said shift operation device so as to be dropped downwardly with the shift operation device when a larger load than that of a predetermined value is applied to said first part. The importance of having this precise shape, thickness, and a load-resistant strength of the molded plastic part are decided in such a

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way that the synthetic resin filled in the holes breaks down when a larger impact load than that of a predetermined value is applied to the select lever or the instrument panel adjacent to the shift operation device and thus when a downward load is applied via the step bolt.

(Specification at page 8, line 24 to page 9, line 3.)

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II. THE ALLEGED PRIOR ART REJECTIONS

A. 35 U.S.C. § 102(e) Rejection over Tanaka et al., U.S. Pat. No. 6,526,842

The Examiner alleges that Tanaka et al., U.S. Pat. No. 6,526,842, (Tanaka), teaches the invention of claims 1 and 2. Applicant submits, however, that Tanaka does not teach or suggest each and every element and feature of the claimed invention.

The Office Action equates Applicant's *first part* with Tanaka's mounting bracket 5', and Applicant's *second part* with Tanaka's body of the shifting apparatus 12' and guard member 15.

However, Applicant's claimed invention recites, "a support member having a first part comprising a notch to be fixed on the vehicle body, and a second part having an opening aligned with said notch to support said shift operation device...wherein said first and second parts are integrally formed into a single component."

Tanaka fails to teach or suggest the mounting bracket 5' comprising a notch to be fixed on the vehicle body, and the shifting apparatus 12' and guard member 15 having an opening aligned with a notch of the mounting bracket 5'.

Further, body 12' does not teach or suggest the claimed "second part." Indeed, Tanaka fails to teach a second part that supports a shift operation device since the Examiner equates Applicant's second part and the shift operation device as the same element.

Tanaka merely teaches the first part 5' is attached to a shift operation device 12' secured to brackets supported on the body of the vehicle by bolts passing through the bolt holes, (see below reference of Tanaka).

A mounting bracket 5' has bolt holes 5'a through 5'd and the body 12' of the shifting apparatus is secured to brackets supported on the body of the vehicle by bolts passed through the bolt holes. (Column 7, lines 13-15.)

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Therefore, Tanaka fails to teach or suggest, *"a support member having a first part comprising a notch to be fixed on the vehicle body, and a second part having an opening aligned with said notch to support said shift operation device... wherein said first and second parts are integrally formed into a single component."*

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

B. 35 U.S.C. § 103(a) Rejection over Tanaka et al., U.S. Pat. No. 6,526,842

The Examiner alleges that Tanaka et al., U.S. Pat. No. 6,526,842, (Tanaka), teaches the invention of claims 3-7. Applicant submits, however, that Tanaka does not teach or suggest each and every element and feature of the claimed invention.

With respect to the rejection of Applicant's dependent claims 3-7, Applicant respectfully submits that Tanaka, as argued above with respect to independent claim 1, fails to teach or suggest, *"a support member having a first part comprising a notch to be fixed on the vehicle body, and a second part having an opening aligned with said notch to support said shift operation device... wherein said first and second parts are integrally formed into a single component."*

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

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III. FORMAL MATTERS AND CONCLUSION

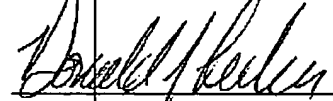
In view of the foregoing, Applicant submits that claims 1-7, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

Sept. 7, 2006

Donald J. Lecher, Esq.

Reg. No. 41,933

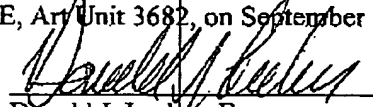
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner JOYCE, Art Unit 3682, on September 7, 2006.


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